

Express Mail No.: EV 335 858 132 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of: Arindam DATTA et al.

Serial No.: To Be Assigned

Group Art Unit: To Be Assigned

Filed: December 30, 2003

Title: RETICULATED ELASTOMERIC
MATRICES, THEIR MANUFACTURE
AND USE IN IMPLANTABLE DEVICES

Attorney Docket No.: 11300-003-999

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
[37 CFR 1.9(f) and 1.27(c)] - Small Business Concern**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act in behalf of
the concern identified below:

Name of organization BIOMERIX CORPORATION

Address of organization 41 West 57th Street, 6th Floor

New York, New York 10019

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the person employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern and/or there is an obligation under contract or law by the inventor(s) to convey rights to the small business concern with regard to the invention entitled RETICULATED ELASTOMERIC MATRICES, THEIR MANUFACTURE AND USE IN IMPLANTABLE DEVICES by inventor(s) Arindam DATTA et al. described in the specification filed herewith.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

FULL NAME _____

ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME _____

ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME _____

ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME _____

ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR 1.28 (b)]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, and patent issuing thereon, or any patent to which this verified statement is directed.

Send correspondence to:

PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, N.Y. 10036-2711

Direct Telephone calls to:

PENNIE & EDMONDS LLP
(212) 790-9090

Name of person signing _____

Lawrence ATINSKY

Title of person other than owner _____

Vice President, Corporate Affairs

Address of person signing _____

BIOMERIX CORPORATION

41 West 57th Street, 6th Floor

New York, New York 10019

Signature _____

Date 12.30.03

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

DECLARATION FOR NON-PROVISIONAL PATENT APPLICATION*

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. beneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

RETICULATED ELASTOMERIC MATRICES, THEIR MANUFACTURE AND USE IN IMPLANTABLE DEVICES

and for which a patent application:

- ☒ is attached hereto and includes amendment(s) filed on (if applicable)
- ☐ was filed in the United States on as Application No. (for declaration not accompanying application) with amendment(s) filed on (if applicable)
- ☐ was filed as PCT international Application No. on and was amended under PCT Article 19 on (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION | | | | |
|--|---------|--------------------------------------|------------------------------|-----------------------------|
| APPLICATION NUMBER | COUNTRY | DATE OF FILING (day, month, year) | PRIORITY CLAIMED | |
| | | | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| | | | YES <input type="checkbox"/> | NO <input type="checkbox"/> |

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

| PROVISIONAL APPLICATION NUMBER | FILING DATE |
|--------------------------------|-----------------|
| 60/437,955 | January 3, 2003 |
| 60/471,520 | May 15, 2003 |

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

| NON-PROVISIONAL APPLICATION SERIAL NO. | FILING DATE | STATUS | | |
|---|------------------|----------|---------|-----------|
| | | PATENTED | PENDING | ABANDONED |
| PCT/US03/33750 | October 23, 2003 | | X | |
| | | | | |

* for use only when the application is assigned to a company, partnership or other organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

| | | | | | |
|-------------|-------------------------|---------------------------------|---|--|-------------------|
| 2 0 1 | FULL NAME OF INVENTOR | LAST NAME DATTA | FIRST NAME Arindam | MIDDLE NAME | |
| | RESIDENCE & CITIZENSHIP | CITY Hillsborough | STATE OR FOREIGN COUNTRY New Jersey | COUNTRY OF CITIZENSHIP United States of America | |
| | POST OFFICE ADDRESS | STREET 26 Baker Circle | CITY Hillsborough | STATE OR COUNTRY New Jersey | ZIP CODE 08844 |
| | | SIGNATURE OF INVENTOR 201 | | DATE | |
| 2 0 2 | FULL NAME OF INVENTOR | LAST NAME FRIEDMAN | FIRST NAME Craig | MIDDLE NAME | |
| | RESIDENCE & CITIZENSHIP | CITY Westport | STATE OR FOREIGN COUNTRY Connecticut | COUNTRY OF CITIZENSHIP United States of America | |
| | POST OFFICE ADDRESS | STREET 19 Cross Highway | CITY Westport | STATE OR COUNTRY Connecticut | ZIP CODE 06880 |
| | | SIGNATURE OF INVENTOR 202 | | DATE | |
| 2 0 3 | FULL NAME OF INVENTOR | LAST NAME COSTANTINO | FIRST NAME Peter | MIDDLE NAME D. | |
| | RESIDENCE & CITIZENSHIP | CITY Armonk | STATE OR FOREIGN COUNTRY New York | COUNTRY OF CITIZENSHIP United States of America | |
| | POST OFFICE ADDRESS | STREET 12 Wright's Mill Road | CITY Armonk | STATE OR COUNTRY New York | ZIP CODE 10504 |
| | | SIGNATURE OF INVENTOR 203 | | DATE | |
| 2 0 4 | FULL NAME OF INVENTOR | LAST NAME ASKILL | FIRST NAME Ian | MIDDLE NAME N. | |
| | RESIDENCE & CITIZENSHIP | CITY Colorado Springs | STATE OR FOREIGN COUNTRY Colorado | COUNTRY OF CITIZENSHIP United States of America | |
| | POST OFFICE ADDRESS | STREET 6572 Foxdale Circle | CITY Colorado Springs | STATE OR COUNTRY Colorado | ZIP CODE 80919 |
| | | SIGNATURE OF INVENTOR 204 | | DATE | |
| 2 0 5 | FULL NAME OF INVENTOR | LAST NAME KLEMPNER | FIRST NAME Daniel | MIDDLE NAME | |
| | RESIDENCE & CITIZENSHIP | CITY West Bloomfield | STATE OR FOREIGN COUNTRY Michigan | COUNTRY OF CITIZENSHIP United States of America | |
| | POST OFFICE ADDRESS | STREET 2103 Spinnaker Lane | CITY West Bloomfield | STATE OR COUNTRY Michigan | ZIP CODE 48324 |
| | | SIGNATURE OF INVENTOR 205 | | DATE | |

| | | | | | |
|-------------|---------------------------|--|--------------------------------------|--|-------------------|
| 2 0 6 | FULL NAME OF INVENTOR | LAST NAME TINKELENBERG | FIRST NAME Arthur | MIDDLE NAME H. | |
| | RESIDENCE & CITIZENSHIP | CITY Brooklyn | STATE OR FOREIGN COUNTRY New York | COUNTRY OF CITIZENSHIP United States of America | |
| | POST OFFICE ADDRESS | STREET 226 Carlton Avenue, Apt. # 1 | CITY Brooklyn | STATE OR COUNTRY New York | ZIP CODE 11205 |
| | SIGNATURE OF INVENTOR 205 | | | DATE | |
| 2 0 7 | FULL NAME OF INVENTOR | LAST NAME SENDIJAREVIC | FIRST NAME Aisa | MIDDLE NAME | |
| | RESIDENCE & CITIZENSHIP | CITY Troy | STATE OR FOREIGN COUNTRY Michigan | COUNTRY OF CITIZENSHIP United States of America | |
| | POST OFFICE ADDRESS | STREET 6284 Atkins Drive | CITY Troy | STATE OR COUNTRY Michigan | ZIP CODE 48083 |
| | SIGNATURE OF INVENTOR 205 | | | DATE | |